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No. 88-1640

Supreme Court, U.S.

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IN THE
Supreme Court of the United States

OCTOBER TERM, 1989

MICHIGAN CITIZENS FOR AN INDEPENDENT PRESS, *et al.*,
Petitioners,

v.

RICHARD THORNBURGH,
UNITED STATES ATTORNEY GENERAL, *et al.*,
Respondents.

On Writ of Certiorari to the United States Court of Appeals
for the District of Columbia

BRIEF AMICI CURIAE OF NEWSPAPER DRIVERS
& HANDLERS, TEAMSTERS LOCAL NO. 372,
DETROIT MAILERS UNION,
TEAMSTERS LOCAL NO. 2040, AND
SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL NO. 79 IN SUPPORT OF RESPONDENTS

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CONSENT OF PARTIES

Petitioners and Respondents have consented to the filing of this brief and their letters of consent have been filed with the Clerk of Court.

INTEREST OF AMICI

Newspaper Drivers & Handlers, Teamsters Local No. 372, is a Detroit area labor organization and subordinate body of the International Brotherhood of Teamsters,

Chauffeurs, Warehousemen & Helpers of America, AFL-CIO. The organization is dedicated to protecting the welfare and job security of its members, including five hundred twenty-two (522) circulation drivers and district managers presently employed by the Detroit Free Press.

The Detroit Mailers Union, Teamsters Local No. 2040, is a Detroit area labor organization and subordinate body of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO. The organization is dedicated to protecting the welfare and job security of its members, including one hundred twenty-two (122) Detroit Free Press employees handling the assembly and insertion of printed materials.

Service Employees International Union, Local No. 79 is a Detroit area labor organization and subordinate body of the Service Employees International Union, AFL-CIO. The organization is dedicated to protecting the welfare and job security of its members, including eighty-six (86) security and office maintenance workers presently employed by the Detroit Free Press.

Amici ("Unions") have a direct interest in the approval or disapproval of the proposed joint operating agreement ("JOA") between the Detroit Free Press and the Detroit News. If the JOA is approved, most of the seven hundred thirty (730) jobs held by their members at the Free Press will be preserved. If the JOA is denied, these 730 members will be left without jobs. Accordingly, the Unions have a strong interest in urging this Court's affirmance of the decision below.

ARGUMENT

As three labor organizations representing over 700 employees of the Detroit Free Press, we urge this Court to affirm the decision of the United States Court of Appeals for the District of Columbia upholding the JOA between the Detroit Free Press and the Detroit News.

The Unions' first concern is for the welfare of their members, some of whom have been employees of the Free Press for decades. While disparate voices have advanced arguments in support of and in opposition to the JOA, the Unions' focus is solely on the economic well-being of hundreds of working men and women whose lives will be drastically affected by this Court's decision. We urge that the voices of these less powerful but more numerous interested parties be heard and considered by the court in reaching its decision.

The Unions' decision to support the JOA is based on a careful review of all available information regarding the competition between the Free Press and the News. The Unions participated in the administrative hearings as intervenors in opposition to the JOA. The Unions' opposition was based on the fact that they did not, at that time, believe the Free Press would close its doors if the JOA was not approved. The Unions sought to protect *all* their members' jobs at the Free Press by fighting for the continued existence of two independent newspapers in Detroit. However, events subsequent to the administrative hearings have convinced the Unions that if the JOA is not approved, the Free Press will be closed and the Unions' members at the Free Press will lose their jobs.¹

On January 21, 1988 after the administrative hearings were completed and a decision had issued, the full Board of Directors of Knight-Ridder met and announced that the losses of the Free Press could no longer be subsidized if the JOA was not approved. This announcement was followed by the release of Knight-Ridder's annual report, which stated that its board had decided that "if the application for a joint operating agreement is not ap-

¹ In addition to the Unions' 730 members, approximately 1,250 other Free Press employees will lose their jobs if the JOA is not approved. Mem. Op. and Order on Application for Temporary Restraining Order, p. 17 (D.D.C. Case No. 88-2322, Green, J.).

proved, the company would withdraw from the newspaper publishing business in Detroit." (Knight-Ridder Annual Report at 16).² In addition, advertising revenues and circulation have declined since the administrative law judge rendered his decision in this matter.³ These facts have amply convinced the Unions that the Free Press will indeed close if the JOA is not approved, and that the Unions' Free Press members must now accept the lesser of two evils: a JOA between the Free Press and the News with most, but not all jobs being preserved; or, if the JOA is denied, all the Unions' Free Press members being left without jobs. Given this choice, the Unions wholeheartedly endorse the proposed JOA.

² After Knight-Ridder publicly announced that it would close the Free Press if the JOA was not approved, the Unions requested withdrawal of their statements in opposition to the JOA application. Attorney General Meese granted these requests in his Decision and Order at p. 9, footnote 4.

³ Mem. Op. & Order on Motions for Summary Judgment, p. 9 (D.D.C. Case No. 2322, Revercomb, J.).

CONCLUSION

For the foregoing reasons the decision of the United States Court of Appeals for the District of Columbia should be affirmed.

Respectfully submitted,

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